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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,629	03/07/2001	Nicholas M. Dean	ISPH-0537	8249

7590

09/09/2003

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EXAMINER

GIBBS, TERRA C

ART UNIT	PAPER NUMBER
1635	17

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/800629	03/07/01	Dean et al.	ISPH-0537

EXAMINER	
Terra C. Gibbs	
ART UNIT	PAPER NUMBER
1635	17

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The Amendment filed July 17, 2003, in Paper No. 16 is acknowledged.

Claims 1, 2, 7-12, 14-23, 49, 50, and 67 are pending in the instant application. Claims 4-6, 13, 28-48, 51-54, and 68-72 have been canceled. Claims 1 and 50 have been amended.

The reply filed on July 17, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In the response filed July 17, 2003, Applicant has amended all pending claims to be directed to a different invention than the originally presented invention. As amended, claims 1, 2, 7-12, 14-23, and 67 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In response to the restriction requirement set forth on January 22, 2003 Applicant amended the claims to read on compounds targeted to SEQ ID NO: 78 and, in essence, elected SEQ ID NO: 78. As amended, the claims are directed to compounds targeted to multiple short sequences, the examination of which would require a separate and distinct search from that of the originally elected claims to compounds targeted to SEQ ID NO: 78. Compounds targeted to each of these sequences is considered to be structurally independent and distinct even though they each target SEQ ID NO: 78, because compounds targeted to each of these sequences has a unique nucleotide sequence, distinct from the full length SEQ ID NO: 78 and distinct from each other and each targets a particular specific region of the gene, distinct from each other. A new, separate and distinct search would be required for each of these target regions, separate from the search of SEQ ID NO: 78 and each other and a search of all the target regions claimed presents an undue burden on the Patent and Trademark Office to search and examine all of the recited regions. Applicant has received an action on the merits for the originally elected invention, compounds targeted to SEQ ID NO: 78, and all claims pending are drawn to a non-elected invention, this response is not considered to be responsive to the prior Office action. See 37 CFR 1.111.

Since the reply filed on June 11, 2003 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

If a complete response has not been submitted by the time the shortened statutory period for response set in the communication mailed has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 C.F.R. 1.136. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication should be directed to Examiner Terra C. Gibbs, Art Unit 1635, whose telephone number is (703) 306-3221. If attempts to reach the Examiner are unsuccessful, the Examiner's Supervisor, John L. LeGuyader can be reached at (703) 308-0447.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Karen A. Lacourciere
KAREN A. LACOURCIERE, PH.D
PRIMARY EXAMINER